

DISTRICT SUMMARY INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: LRP
 DIVISION OFFICE: LRD

REPORTING PERIOD: 1 Apr 04 – 30 Jun 04

TOTAL ACTIONS: 8

PROJECT REVIEW/DETERMINATION COMPLETED: In the office 7 (total no.)
 At the project site 8 (total no.)

SITE CONDITIONS (TOTAL NOS.):

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								2,014	
Dry Wash									
Mudflat									
Sandflat									
Wetlands	4	1							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Man-made Pond *	4								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			5	4	
Is or would be used as habitat by other migratory birds that cross state lines?			6		3
Is or would be used as habitat for endangered species?				6	3
Is used to irrigate crops sold in interstate commerce?		6	2	1	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary 1 Or Approved 7.

* One site contained 2 ponds, therefore 8 actions, but 9 isolated waters.

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RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

PITTSBURGH
200400187

REGULATORY PROJECT MANAGER:

Chaisty Schroeder Date: 12 APR 04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N) Date: 8 APR 04
 At the project site Y (Y/N) Date: 6 APR 04

PROJECT LOCATION INFORMATION:

State:
 County:
 Center coordinates of site by latitude & longitudinal coordinates:
 Approximate size of site/property (including uplands & in acres):
 Name of waterway or watershed:

Ohio
Belmont

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary X Or Approved

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Two wetlands were identified at the base of a pre-law coal mining high wall. Wetland acreage for both wetlands totals 1.27 acres. Both wetlands are located in mining pits with no outlet, no surface water connection and no adjacent waters of the United States.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

PITTSBURGH
200400548

REGULATORY PROJECT MANAGER:

Nancy Mullen

Date: 28 Jun 04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 10 May 04

At the project site Y (Y/N)

Date: 14 May 04

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

PA
ALLEGHENY
LIICK RUN

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								<u>1,014</u>	
Dry Wash									
Mudflat									
Sandflat									
Wetlands	<u>X</u>								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				<u>X</u>	
Is or would be used as habitat by other migratory birds that cross state lines?					<u>X</u>
Is or would be used as habitat for endangered species?				<u>X</u>	
Is used to irrigate crops sold in interstate commerce?		<u>X</u>			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Wetlands appear to be formed from the ponding of water against the railroad embankment. No discharge point could be located nor could waters of the US be found in the area.

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RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Pittsburgh
LRD 200400495

REGULATORY PROJECT MANAGER:

Allen Edris

Date: 17 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date: 19 May 2004

At the project site (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

West Virginia
Berkeley
53 +/-
N/A

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	PEM/SS								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (Identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Existing wetland is 0.46 acre in size and is the result of an old manmade pond which is currently a PEM/SS water feature. No inlet or outlet was observed during the site visit conducted on May 19, 2004.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Pittsburgh
200400783

REGULATORY PROJECT MANAGER:

Nancy Mullen

Date: 24 Jun 04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 22 Jun 04

At the project site Y (Y/N)

Date: 23 Jun 04

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

PA
Allegheny
12.5
Lick Run

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved **X**.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Wetland is approximately 140' x 10' at the bottom of a hill and adjacent to a roadway + abandoned Ames store. Nearest waterway is on the other side of the store, down a hill, over railroad tracks, next to a floodplain.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Pittsburgh
200400499

REGULATORY PROJECT MANAGER:

Nancy Mullen

Date: 17 May 04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 28 Apr 04

At the project site Y (Y/N)

Date: 13 May 04

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

WV
Jefferson
458
Evitts Run

SITE CONDITIONS:

Type of aquatic resource	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) <u>Pond</u>	<u>2</u>								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			<u>2X</u>		
Is or would be used as habitat by other migratory birds that cross state lines?			<u>2X</u>		
Is or would be used as habitat for endangered species?					<u>2X</u>
Is used to irrigate crops sold in interstate commerce?			<u>2X</u>		

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The 2 ponds are approximately 1/2 Ac each. Both are adjacent to fields that had been cultivated. No connection to Evitts Run could be found. No outlets to the pond were found.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Pittsburgh
200400438

REGULATORY PROJECT MANAGER:

Nancy Mullen

Date: 19 Apr 04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 19 Apr 04

At the project site Y (Y/N)

Date: 19 Apr 04

PROJECT LOCATION INFORMATION:

State:

PA

County:

Allegheny

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

32.1

Name of waterway or watershed:

Campbells Run

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

There appears to be no surface connection between the wetland and an unnamed tributary to Campbells Run.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Pittsburgh
200400494 Rolling hills

REGULATORY PROJECT MANAGER:

Edris

Date: 6/24/04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 22 Jun 04

At the project site Y (Y/N)

Date: 19 May 04

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

West Virginia

Berkeley

361 acres

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
<u>Man-Made Pond</u>	<u>X</u>								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				<u>X</u>	
Is or would be used as habitat by other migratory birds that cross state lines?					<u>X</u>
Is or would be used as habitat for endangered species?				<u>X</u>	
Is used to irrigate crops sold in interstate commerce?		<u>X</u>		<u>X</u>	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Isolated area created by man to supply cattle with a drinking source. No connections to other waters identified. Area is approx. 0.20 acres in size.

DIVISION SUMMARY INFORMATION SHEET
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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

DIVISION OFFICE:

REPORTING PERIOD:

TOTAL ACTIONS:

Pittsburgh
LRO

01 Jan 04 - 31 Mar 04

2

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office _____ (total no.)

At the project site 2 (total no.)

SITE CONDITIONS (TOTAL NOS.):

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								<u>660'</u>	
Dry Wash									
Mudflat									
Sandflat									
Wetlands			<u>1</u>						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (Identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			<u>1</u>		<u>1</u>
Is or would be used as habitat by other migratory birds that cross state lines?			<u>2</u>		
Is or would be used as habitat for endangered species?				<u>2</u>	
Is used to irrigate crops sold in interstate commerce?		<u>1</u>			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary __ Or Approved 2

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

LRP
200301665

REGULATORY PROJECT MANAGER:

BrKovich

Date: 1-23-04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date:

At the project site X (Y/N)

Date: 11-19-03

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

WV
Berkeley

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								<u>660</u>	
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					<u>X</u>
Is or would be used as habitat by other migratory birds that cross state lines?			<u>X</u>		
Is or would be used as habitat for endangered species?				<u>X</u>	
Is used to irrigate crops sold in interstate commerce?		<u>X</u>			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Channel did not connect to other water because of geological conditions.



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

January 23, 2004

REPLY TO
ATTENTION OF:

Operations and Readiness Division
Regulatory Branch
200301665

Mr. Thaddeus J. Kraska
Resource International, Ltd.
9560 Kings Charter Drive
P. O. Box 6160
Ashland, Virginia 23005-6160

Dear Mr. Kraska:

I refer to your report, received in this office on October 14, 2003, regarding the Fries Property, near Hainesville, Berkeley County, West Virginia.

Upon visitation to the site, flows from the spring fed pond were observed from the old spillway area to travel approximately 600 feet to a point at the base of a hillside at the westerly portion of the property where it then disappeared and became subterranean. These waters are isolated, therefore this pond and stream are non-jurisdictional and are not to be considered Waters of the United States.

This office has no objection to the proposed project and a Department of the Army Permit is not required. However, it should be mentioned that certain engineering considerations be investigated prior to the development of this site to maintain drainage through any embankments or fills to address this artisan flow.

You may begin the work after you have received any required State and local permits.

If you have any questions, please contact George Brkovich, Waterways Inspector at (412) 395-7156 or Fred Pozzuto, Chief, Permit Enforcement and Surveillance Section at (412) 395-7275.

Sincerely,

Scott A. Hans
Chief, Regulatory Branch

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

LRP
2009 00109
Edris

REGULATORY PROJECT MANAGER:

Date: _____

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office ___ (Y/N)

Date: _____

At the project site Y (Y/N)

Date: 2-23-04

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

PA
Arnsburg
38 A.
Limestone Run

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ___ Or Approved ___

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Isolated areas created by past mining activities. No connections to other waters identified. Site also contains



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

REPLY TO
ATTENTION OF:

March 2, 2004

Operations and Readiness Division
Regulatory Branch
200400109

David Moone
Allegheny Energy Supply
4350 Northern Pike
Pittsburgh, Pennsylvania 15146-2841

Dear Mr. Moone:

I refer to your Joint Permit Application, received in this office on January 23, 2004, requesting our comments on eligibility for Authorization under the Pennsylvania State Programmatic General Permit (PA SPGP-2).

The proposed Limestone Run disposal/reclamation project includes the construction of an access road, grading, and the backfilling of open pits and highwalls to eliminate hazards now present. Six palustrine emergent wetlands, totaling approximately 5.99 acres exist within the project limits. Five wetlands totaling approximately 3.05 acres will be impacted during project construction.

On February 23, 2004, Allen Edris of this office walked the site with Allegheny Energy Supply and GAI Consultants to determine the presence of "Waters of the United States". The five wetlands being impacted were found to be non-jurisdictional since there was no obvious surface water connection to jurisdictional Waters of the United States. Therefore further coordination with the Army Corps of Engineers is not required. The project is located in Washington Township, Armstrong County, Pennsylvania.

This office has no objection to the proposed project and a Department of the Army Permit is not required. However, an Encroachment Permit from the Pennsylvania Department of Environmental Protection may be additionally needed and the appropriate coordination with their office should be conducted.

-2-

If you have any questions, please contact Allen Edris at
(412) 395-7158.

Sincerely,

Albert H. Rogalla
Chief, Regulatory Branch

Enclosure

CF:

PADEP Southwest Region (Ramer Ziadeh)
GAI Consultants, Inc. (Gary Brendel)

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Pittsburgh
200400482

REGULATORY PROJECT MANAGER:

Nancy Mullen

Date: May 17, 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: Apr 12 2004

At the project site Y (Y/N)

Date: May 13, 2004

PROJECT LOCATION INFORMATION:

State:

WV

County:

Jefferson

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

77.61

Name of waterway or watershed:

Flowing Spring

SITE CONDITIONS:

Type of aquatic resource	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								1,000	
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
<u>Pond</u>	<u>X</u>								

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			<u>X</u>		
Is or would be used as habitat by other migratory birds that cross state lines?			<u>X</u>		
Is or would be used as habitat for endangered species?					<u>X</u>
Is used to irrigate crops sold in interstate commerce?		<u>X</u>			

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The intermittent stream flows approximately 1,000 feet + then dissipates into the ground. The 0.25 ac pond has an uncontrolled outfall that flows towards a swale. The swale flows into a culvert under Route 340/9 into an area that was previously determined to be non-jurisdictional.